

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TUAN THANH PHAN,  
Petitioner,  
v.  
DAN PACHOLKE,  
Respondent

Case No. C07-5564BHS-KLS  
ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on petitioner's filing of an application to proceed *in forma pauperis* and a petition for writ of *habeas corpus* under 28 U.S.C. § 2254. To file a petition and initiate legal proceedings, petitioner must pay a filing fee of \$5.00 or file a proper application to proceed *in forma pauperis*.

On October 9, 2007, petitioner filed his *habeas corpus* petition and application to proceed *in forma pauperis*. (Dkt. #1). On October 15, 2007, the Clerk sent plaintiff a letter informing him his application was deficient in that he had not included a completed and signed written consent form as required by Local Rule CR 3(b). (Dkt. #2). On October 19, 2007, petitioner submitted the required written consent form. (Dkt. #3). Nevertheless, petitioner's application still contains the following deficiency.

1 Pursuant to 28 U.S.C. § 1915(a)(2):

2 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or  
3 proceeding without prepayment of fees or security therefor . . . shall submit a certified  
4 copy of the trust fund account statement (or institutional equivalent) for the prisoner for  
the 6-month period immediately preceding the filing of the complaint or notice of  
appeal, obtained from the appropriate official of each prison at which the prisoner is or  
was confined.

5 Plaintiff thus is required to submit a statement showing the balance and activity of his account for the six-  
6 month period immediately preceding the filing of his petition. The prison trust account statement  
7 petitioner submitted with his application, however, is only for the month of July 2007. (Dkt. #3).

8 Accordingly, this Court orders the following:

9 (1) Plaintiff shall seek to cure this deficiency by filing **no later than December 1, 2007**, a  
10 copy of his prison trust account statement showing the balance and activity of his account  
11 for the six-month period immediately preceding the filing of his petition.

12 **Failure to cure this deficiency by the above date shall be deemed a failure to properly  
13 prosecute this matter and the court will recommend dismissal of this matter.**

14 (2) The Clerk is directed to send a copy of this Order to plaintiff.

15 DATED this 1st day of November, 2007.

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20 Karen L. Strombom  
21 United States Magistrate Judge  
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